

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

Notice

December 6, 2006

To: ALL MEMBERS OF THE BAR AND OTHER PARTIES IN INTEREST

From: David Sime, Clerk of Court

**Re: Amendments to Federal Rules of Procedure
Effective December 1, 2006**

Several amendments to the Federal Rules of Appellate, Bankruptcy, Civil Procedure and Criminal Procedure, and the Federal Rules of Evidence, became effective December 1, 2006, and include the following:

- ▶ Appellate Rule 25 and new Appellate Rule 32.1;
- ▶ Bankruptcy Rules 1009, 5005, and 7004;
- ▶ Civil Rules 5, 9, 14, 16, 24, 26, 33, 34, 37, 45, 50, and 65.1; Civil Form 35; and Supplemental Rules A, C, and E; and new Civil Rule 5.1 and new Supplemental Rule G;
- ▶ Criminal Rules 5, 6, 32.1, 40, 41, and 58; and
- ▶ Evidence Rules 404, 408, 606, and 609.

Changes that are significant to bankruptcy courts, the bankruptcy bar and public include:

Bankruptcy Rule 1009 - The amended rule in new paragraph 1009(c) requires the debtor to file a corrected statement of social security number when the debtor becomes aware of an incorrect social security number and give notice of the amendment to all entities required by Rule 1007(a)(1) or (a)(2);

Bankruptcy Rule 5005 - The amended rule allows courts to require filing by electronic means provided reasonable exceptions are allowed. It also provides for additional authorization to District Judges and the Clerk of the Bankruptcy Appellant Panel to transmit erroneously delivered papers to the United States Trustee;

Bankruptcy Rule 7004 - The amended rule adds a requirement for service upon the debtor's attorney whenever the debtor is served with a summons and complaint. Service on the debtor's attorney is not limited to mail service but can be accomplished by any means authorized under Rule 5(b) F.R.Civ.P.;

Appellate Rule 32.1 - This new rule permits citation of judicial orders, opinions and judgments issued on or after January 1, 2007. The rule does not address what precedential value a court must give;

Civil Rule 5.1 - This new rule requires a party filing a pleading challenging the constitutionality of a state or federal statute, to notify the U.S. Attorney or state Attorney General;

Civil Rules 16, 26,33,34,37,45 and revised Form 35 - The amendments to these rules and form provide for disclosure and discovery of electronic stored information.

For detailed information on these rules and other amendments:

<http://www.uscourts.gov/rules/congress0406.html>